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Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment

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Committee against Torture
Sixty-third session

Summary record of the 1629th meeting
Held at the Palais Wilson, Geneva, on Wednesday, 2 May 2018, at 10 a.m.

Chair: Mr. Modvig

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The meeting was called to order at 10 a.m.

Consideration of reports submitted by States parties under article 19 of the Convention (*continued*)

Sixth periodic report of Czechia (CAT/C/CZE/6; CAT/C/CZE/QPR/6)

1. *At the invitation of the Chair, the delegation of Czechia took places at the Committee table.*

2. **Ms. Baršová** (Czechia), introducing the sixth periodic report of Czechia, said that the 2016 official policy outline of the prison system, which aimed at reducing recidivism and reintegrating prisoners who had served their sentences into society, provided for programmes for convicted prisoners and post-release support in areas such as debt counselling, addiction and financial literacy. It also aimed to create a support system for governmental and other bodies working in that field and promoted socially responsible public procurement by requiring the employment of persons with a criminal record in public works.

3. Prison conditions had also been improved, with wings being refurbished and modernized, and accommodation being restructured. Remuneration for working prisoners had recently been significantly increased, notably for prisoners with a university education. Prisoners were expected to make financial provision for the period after release in order to reduce the risk of relapse into criminal activity.

4. In the area of domestic and gender-based violence, in addition to the Action Plan for the Prevention of Domestic and Gender-Based Violence for the period 2015–2018, Czech law contained measures to protect victims from perpetrators. Police could ban a person from the shared home for up to 10 days, a period that could be extended by court injunction at the victim's request. The court could also restrict the right to live in the shared household for up to six months if further cohabitation became unbearable for one of the spouses as a result of physical or mental violence. There was a network of counselling services and intervention centres, with contact points in each regional capital.

5. In addition, under the Act on Victims of Crime, adopted in 2013, State and other authorities were required to treat victims politely, considerately and with respect for their dignity. Victims had the right to comprehensible information, professional assistance, privacy, protection from secondary victimization and monetary compensation for the harm suffered. Law-enforcement authorities informed victims about sources of professional support, and vulnerable victims, including children, were provided with professional assistance free of charge. Victims and witnesses had the right to information concerning convicted perpetrators' release or escape. Video and audio devices were used in court proceedings to minimize contact between the victims and the perpetrators.

6. As to asylum and migration, several alternatives to detention of foreigners had been introduced, including a requirement to report their place of residence, the deposit of a sum of money, or an obligation to report in person to the police within a specified time. An amendment to introduce the notion of designated place of residence was currently under consideration.

7. In response to the large increase in the number of foreigners detained in the second half of 2015 during the so-called migration crisis, staffing in detention facilities for foreigners and in the system generally had been considerably strengthened. The Bělá-Jezová facility had been adapted to receive families with children, with security features such as barbed wire being removed and playgrounds and leisure activities made available. Security service uniforms no longer looked like police uniforms and families had access to free legal assistance and a modern medical centre. The facility was regularly inspected by the Public Defender of Rights (Ombudsperson) and international organizations. Two further detention facilities for male foreigners had also been opened.

8. Turning to the training of professionals who dealt with persons at risk of ill-treatment, she said that workers in the social services were thoroughly trained to detect and prevent torture and cruel, inhuman or degrading treatment or punishment of persons and a wide range of training courses had been designed for judges, prosecutors and prison

workers. Such training was backed up by the provision of a Czech translation of the standards of the European Committee for the Prevention of Torture and Inhuman or Degrading Treatment or Punishment.

9. Sterilization was now more closely regulated, under the Law on Specific Health Care Services. The Law permitted sterilization either on health grounds or on other grounds. Sterilization on health grounds could be carried out on a patient aged over 18, with their explicit written consent. Sterilization for reasons other than health could be carried out on a patient aged over 21, based on their written request. Patients who were younger or who had limited legal capacity could undergo sterilization for health reasons only with the written consent of their legal representative, a positive opinion of an independent expert commission, and the consent of the court. The patient or their legal representative was always invited to attend the commission's deliberations. The patient was informed about the nature of the operation, its permanent consequences and its possible risks. There was a compulsory period of several days' reflection and explicit consent was again requested just before the operation took place. Thus free and informed consent for the operation was secured.

10. The Office of the Ombudsperson, as the national preventive mechanism under the Optional Protocol to the Convention, made a significant contribution to the prevention of ill-treatment in the Czech Republic. The Office conducted visits to facilities and evaluated conditions there. It could issue recommendations for improvement, set standards, organize training and advocate for systemic changes. The Ombudsperson was also competent to monitor the expulsion procedure to ensure that foreigners were not subject to ill-treatment. Her office had recently also been mandated to monitor the implementation of the Convention on the Rights of Persons with Disabilities, including in respect of their right to freedom from torture and cruel, inhuman or degrading treatment or punishment, their treatment in facilities and any assistance and care provided in other contexts.

11. **Mr. Heller Rouassant** (Country Rapporteur), noting from the State party's periodic report, and from its latest report to the Human Rights Council within the framework of the universal periodic review, that it was conducting an analysis of the rate of prosecution of torture and ill-treatment, asked what progress was being made with that exercise, which ministry was responsible for it and when a result might be expected.

12. With regard to the independence of the General Inspection of Security Forces, the body charged with investigating complaints against the police, the prison service or the customs administration, he noted that it no longer reported to the Ministry of the Interior. However, according to the Helsinki Committee, there were still ties between the police and the General Inspection, which raised doubts about its impartiality and its ability to conduct investigations in practice. He would welcome further information on the numbers of complaints received and the operation of the General Inspection.

13. He said that there was no national human rights institution within the meaning of the Paris Principles. In its report, the Public Defender of Rights stated that its competence did not include all fields of law and did not cover all fundamental rights and freedoms. The definition of its scope could not therefore be considered to meet the requirements of the Paris Principles. It also had limited powers in areas such as promotion of human rights, education and monitoring.

14. He asked to what extent the recommendations of the Ombudsperson were implemented. He would like details of the functioning of the Ombudsperson's office and on the status of the proposed amendments to the Act on the Public Defender of Rights of 2015 aimed at further strengthening the Ombudsperson's powers in the area of human rights. He wondered what accounted for the slow progress of the legislative process in that regard. He asked whether progress had been made concerning the Ombudsperson's accreditation with the Global Alliance of National Human Rights Institutions, what prevented the establishment of a national human rights institution in accordance with the Paris Principles and how obstacles to doing so would be addressed. It was a matter of concern that, in 2017, the parliament had voted against extending the Office of the Ombudsperson's powers to combat discrimination, since it was the body charged with dealing with cases of discrimination. A national human rights institution should be established promptly.

15. Turning to article 3 of the Convention, he would like updated statistics on extraditions from Czechia to other States, and vice versa, between 2016 and 2018. According to the Ombudsperson's report, there had been an increase in the number of decisions on expulsions to countries in a critical situation, such as the Syrian Arab Republic and Afghanistan, in which the risk of torture was not adequately assessed and the individuals concerned were not informed of their rights or provided protection. He would like further details of those cases and the lot of the persons involved. He was concerned that information concerning diplomatic assurances obtained from receiving States was not consistent with the Ombudsperson's reports of forced administrative expulsions of foreign nationals. He asked how many visits had been conducted in recent years by the State party to a receiving State following an extradition from its territory to monitor the application of the assurances obtained and whether such visits were carried out regularly.

16. He would like information on the prohibition under the Asylum Act of the detention of vulnerable groups of asylum seekers and on reports that minors under 15 years of age were often detained in the interests of family unity, which did not justify depriving them of their liberty. Updated information would be appreciated on the Bělá-Jezová reception centre where migrants, including minors, were sometimes held for periods of up to 90 days and which had been described in 2015 by the Justice Minister of Czechia as "worse than a prison". Furthermore, the United Nations High Commissioner for Human Rights in 2015 had criticized the treatment of migrants in the State party, referring to the systematic violations of migrants' rights in an effort to deter them from entering or staying in the country. He asked whether the consultation mechanism to evaluate the situation of migrants and refugees, reportedly set up in response to the Ombudsperson's report, was in operation. He would appreciate updated statistical data on the numbers of asylum applications filed and granted from 2016 to 2018 and clarification of the term "additional protection", referred to in paragraph 58 of the State party's report. He would be grateful if the delegation could comment on reports that asylum seekers had been routinely detained upon their arrival in the State party between 2015 and 2017 and their asylum claims disregarded and that they were required to pay for their accommodation and food. He would also like comments relating to the illegal confiscation of migrants' money to pay for their involuntary stay in detention centres. He recalled the recommendation of the Office of the United Nations High Commissioner for Refugees to put an end to the detention of all migrant children and the concerns raised by various treaty bodies about the lengthy detention of minors awaiting expulsion. He drew attention to reports that migrants had to rely on voluntary support from non-governmental organizations as the State could not guarantee legal assistance or financial support for them.

17. In the light of the Ombudsperson's report indicating the absence of a legal definition of stateless persons in line with the 1954 Convention relating to the Status of Stateless Persons and the lack of data on stateless persons, he wished to know whether the State party had an estimate of the number of such persons in the country.

18. Turning to article 10 of the Convention and the issue of training aimed at detecting signs of ill-treatment, he asked whether the spousal assault risk assessment and domestic violence questionnaire referred to in the report was used not only to identify victims of domestic violence but also to evaluate and detect cases of torture committed by law enforcement personnel. He asked whether the Manual on the Effective Investigation and Documentation of Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment (Istanbul Protocol) was used for training in the detection of signs of ill-treatment and torture. He wondered whether the amendment to the Health Care Services Act, setting out the obligation of physicians to report suspected ill-treatment to the responsible supervising authorities, had been adopted.

19. Noting the discrimination faced by the Roma community in areas including education, housing and employment, he asked whether the campaign against racism and hate violence launched by the Government in 2014 was still under way and how it had been carried out. The High Commissioner for Human Rights had expressed concerns about the xenophobic discourse at the highest levels of the State against Muslims and refugees in general. Noting the nationwide "Hate-Free Culture" and "Hate-Free Zone" campaigns referred to in the national universal periodic review report and elsewhere, he would

appreciate further information on all measures to combat discrimination in the State party. He wished to know more about the status of implementation of the Roma Integration Strategy for the period 2015–2020 and the plans to introduce a legal aid system in July 2018. He noted that, while the Aliens Act had been amended to authorize monitoring visits by international or non-governmental organizations to detention facilities, prison management was entitled to refuse those visits if it considered that they were a threat to security.

20. He wished to know what progress had been made to prohibit the use of enclosed restraint beds, also known as cage or net beds, and to establish strict methodology guidelines on the use of restraints, with a view to progressively eliminating the use of all forms of restraint measures in psychiatric institutions. While welcoming the introduction of a complaints mechanism for patients in psychiatric institutions, he would appreciate updated information regarding the status of the investigation into the death of Věra Musilová, a patient at the Dobřany psychiatric hospital who had died as a result of being restrained in a net bed. Further information on the progress made to reform and modernize the system of psychiatric care in the country and move towards a more community-based, human rights approach to psychiatric treatment would also be welcome.

21. In relation to the forced sterilization of Roma women, he asked what action had been taken to remove the three-year statute of limitations for such offences and establish an effective mechanism to enable victims to file claims for compensation with the courts. Concerning the surgical castration of sex offenders, he wished to know whether the State party had taken steps to uphold international standards of care for adult sex offenders and end the practice of castrating detained sex offenders and persons who had not committed a serious offence but were considered at risk of doing so. He also wondered whether efforts had been made to explicitly prohibit the use of corporal punishment in all settings. Lastly, he would welcome further information regarding the alternatives to detention offered to asylum seekers, specifically the option for migrants to reside in a place designated by the police.

22. **Mr. Touzé** (Country Rapporteur), referring to the arguments put forward by the State party in paragraph 6 of its report, said that the European Court of Human Rights had not excluded the fact that the discriminatory treatment of a minority by the majority fell under article 3 of the European Convention on Human Rights. The Court had declared the case of *D.H. and others v. the Czech Republic* regarding the placement of Roma children in establishments for children with disabilities inadmissible owing to a lack of concrete evidence submitted by the complainant, not because of the lack of a link between the treatment experienced by the Roma children and article 3 of the Convention. In relation to the State party's argument regarding the practices of other treaty bodies, he recalled that each Convention had its own set of specific obligations and legal distinctions. Taking those two points into consideration, it was clear that the issues surrounding the schooling of Roma children did indeed fall under the scope of application of the Convention against Torture, particularly given that the placement of children from minority groups in schools not suitable for their intellectual capacity constituted humiliating and degrading treatment as set forth in article 1 of the Convention. He would therefore appreciate further information regarding the concrete steps taken to abolish the segregation of Roma children and end their placement in classes for children with disabilities.

23. Concerning the treatment of persons in police custody, he asked what efforts had been made to uphold the dignity of detainees and limit the use of body searches. He would particularly welcome further information regarding the regulations governing the use of body searches and the manner in which they were conducted. Noting the poor conditions of detention experienced by persons held in police custody, he asked what measures had been taken to modernize police cells in order to bring them into line with international standards. While welcoming the installation of closed-circuit television and audio recording equipment in police cells, he wished to know whether police interview recording systems had been introduced. It would also be interesting to hear whether efforts had been made to establish a free legal aid service so that persons deprived of their liberty had access to a lawyer free of charge from the very outset of their detention. Further information on the regulations governing the length of police custody would also be welcome, including the

circumstances under which pretrial detention could be extended up to a maximum of 72 hours. In the light of reports that numerous inmates had been denied access to medical treatment, he wished to know what steps had been taken to ensure that detained persons could request a free medical examination with an independent doctor of their choosing. He also wondered whether medical examinations of persons deprived of their liberty continued to be conducted in the presence of an escorting police officer and, if so, why. As for minors held in police custody, he would appreciate detailed information concerning the additional safeguards in place to ensure their protection.

24. Turning to the issue of prison overcrowding, he asked what action had been taken to make greater use of alternative non-custodial measures and to reduce the number of persons sentenced to imprisonment owing to a lack of suitable alternative sentences. Further information on the findings of the research conducted by the Ministry of Justice into alternatives to imprisonment would be welcome in that regard. He would also appreciate additional information on the measures taken to improve the material conditions in high security prisons, particularly with regard to overcrowding, minimum cell size, sanitation, and the availability and quality of food. It would be particularly interesting to hear what action had been taken to end the policy of requiring certain categories of detainees to pay for the costs of their imprisonment. Would NGOs be given the opportunity to conduct unannounced visits to detention facilities and play an active role in the monitoring of prison conditions in the future?

25. It would be helpful to receive information on the legal framework governing incommunicado detention, including whether it was subject to judicial oversight, as well as on the number of persons held in such detention and the average and maximum period of time they spent there. An update on remedies available to detainees wishing to challenge their placement in incommunicado detention would be welcome.

26. He would appreciate details of the number of doctors and health professionals working in prisons. It would be useful to learn how many deaths had occurred in custody, disaggregated by cause of death. It was unclear whether detainees underwent a psychological evaluation and whether specialized care was made available to those who required it. Clarification would be welcome regarding the measures put in place for prisoners deemed to be at risk of suicide. He would welcome disaggregated data on the number of suicides that had occurred in detention and an account of the procedures in place to prevent such deaths.

27. It would be helpful to receive a breakdown of the shortcomings identified during prison inspections and an update on the steps taken to address those shortcomings. Further details of the procedures for lodging complaints regarding conditions of detention and ill-treatment in custody would be welcome. He would be grateful for data on the number of officials who had been subjected to disciplinary action for ill-treatment and the types of penalties imposed.

28. With regard to minors, he wished to know where juveniles in detention were held and whether they were kept separate from adults. He would appreciate clarification on the oversight mechanisms in place for detained minors and the types of specialized staff who looked after them. It was unclear whether minors were able to continue their education during their detention.

29. The Committee was concerned about the very low number of complaints of torture or ill-treatment that resulted in prosecutions and would welcome the delegation's comments in that connection. Given how few complaints were found to be admissible, he would welcome a more detailed account of the data provided in annexes 1, 2 and 5 to the State party's report.

30. Noting with regret the absence of available statistics relating to reparations for victims of torture or ill-treatment, he would welcome details of the amount of compensation that had been awarded. It was unclear why Act No. 82/1998, the State Liability Act, concerning liability for damage incurred in the course of the exercise of public powers through a decision or incorrect administrative procedure, provided for a six-month statute of limitations. He wished to learn more about the measures taken by the authorities to provide medical, psychological, physical and other assistance to victims.

31. **Ms. Belmir** said that she would appreciate the delegation's comments regarding the routine searches carried out on migrants and asylum seekers and on the practice of charging them a daily fee of €10 to cover the cost of detaining them. She would welcome clarification of the grounds on which foreign nationals could be detained given that those grounds were not clearly defined in the State party's legislation. She would also be grateful for additional information on the situation of stateless persons present in the State party.

32. **Ms. Gaer**, noting the absence of statistical information in the State party's report, asked whether data had become available, disaggregated by gender and location, on the victims and perpetrators of acts of torture, complaints of involuntary sterilization or castration, and violent attacks against ethnic minorities, in particular Roma. She said that she would also welcome data, disaggregated by age, ethnicity and location, on persons from vulnerable groups who had received social support from the authorities. It would be helpful to learn how many protection orders had been issued during the reporting period, disaggregated by age, ethnicity and location.

33. She wondered whether the State party had plans to ratify the Council of Europe Convention on the Protection of Children against Sexual Exploitation and Sexual Abuse. It would be useful to receive data, disaggregated by gender, age, ethnicity and location, on victims of ill-treatment who had received compensation from the authorities.

34. **The Chair** said that he wished to learn whether individuals automatically underwent a medical examination upon arrival at a detention facility. It would be useful to hear about the legislative measures and training initiatives the Government had put in place to ensure that prison doctors were able to detect signs of torture at an early stage and knew how to report such cases.

35. **Mr. Heller Rouassant** said that it was unclear why the prison population had dropped by approximately 4,000 and subsequently risen by the same amount between 2012 and 2014.

The meeting rose at 12.25 p.m.

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Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment

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Committee against Torture
Sixty-third session

Summary record of the 1630th meeting
Held at the Palais Wilson, Geneva, on Wednesday, 2 May 2018, at 3 p.m.

Chair: Mr. Modvig

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Consideration of reports submitted by States parties under article 19 of the Convention (*continued*)

Third periodic report of Qatar (*continued*)

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The meeting was called to order at 3 p.m.

Consideration of reports submitted by States parties under article 19 of the Convention (*continued*)

Third periodic report of Qatar (*continued*) (CAT/C/QAT/3; CAT/C/QAT/QPR/3)

1. *At the invitation of the Chair, the delegation of Qatar took places at the Committee table.*

2. **Ms. Al-Shafai** (Qatar), replying to questions raised at the 1627th meeting, said that the Government continually assessed its reservations to international conventions with a view to amending or withdrawing them, including its partial reservations to articles 1 and 16 of the Convention. The Government's withdrawal of the reservations to articles 21 and 22, recognizing the competence of the Committee to receive and consider communications from or on behalf of individuals subject to its jurisdiction or submitted by another State party, should not, however, be interpreted as acceptance of the Committee's complaints procedures, since the declarations provided for under those articles had not yet been made. More detailed information in that regard would be provided at a later date. During the reporting period the Government had become a party to a number of regional and international conventions, including the Arab Convention on Combating Money-Laundering and the Financing of Terrorism, demonstrating the importance placed by Qatar on international human rights conventions. Consideration was being given to acceding to the Optional Protocol to the Convention.

3. **Mr. Dharman** (Qatar), giving an overview of the procedures in place for doctors to report signs of ill-treatment and torture, said that police units were stationed in all hospitals to which suspected cases could be referred. Treatment and rehabilitation services, which also comprised psychological care, were provided largely free of charge to victims of violence or torture, including migrant and domestic workers. The Hamad Medical Foundation had established a centre and set up a specialized committee to, inter alia, provide dedicated health care for victims of ill-treatment; facilitate and monitor the return of migrant workers to their country of origin for continued treatment; communicate with employers and with family members abroad to impart any necessary information; coordinate with embassies and consulates in Qatar, as necessary; and liaise with the parties concerned with a view to ensuring compensation for victims. In 2017, some 150 minor and 250 adult victims of ill-treatment or torture had benefited from comprehensive rehabilitation programmes providing physical, psychological, social and legal support in Qatar.

4. A law regulating the admission of persons — including victims of torture — to psychiatric institutions had been adopted in 2016 with the aim of establishing the circumstances in which persons could be interned in those institutions, as well as defining the necessary standards of care, complaints mechanisms and penalties for personnel who breached the rules. Procedures were in place governing the voluntary and non-voluntary admission of persons to such institutions. The discharge of voluntary admissions could be delayed for 72 hours if medical and psychiatric professionals considered that they were unable to care for themselves, owing to their mental state, or that they posed an immediate risk to their own health or safety or that of others. Persons with severe mental conditions could be interned non-voluntarily if health-care professionals considered that they were at risk of an imminent deterioration in their state, if they posed an immediate threat to the health and safety of other persons or as a result of a court order. In the latter case, the institution was required to assess the detained person's health and provide a treatment plan within a specified deadline.

5. In the event that a detained person claimed to have been subjected to ill-treatment or torture while in custody, a thorough medical examination was carried out. Any signs of such ill-treatment were recorded, which triggered an assessment of the detainee by a forensic physician to determine when and how the injuries had been caused. The detainee had the right to request to be examined by a different forensic physician, stating the reasons why, and the Public Prosecution Service was required to ensure the impartiality and independence of the second forensic physician. If, however, the detainee was shown to

have psychological or mental-health issues, he or she would be sent to a psychiatric institution for assessment for a specific duration, as defined by law. The time spent in that institution would be taken into account during sentencing if the detainee was not, in fact, found to be suffering from a mental illness.

6. **Mr. Faisal bin Abdulla Al-Henzab** (Qatar) said that, in 2010, Qatar had extended a standing invitation to the United Nations special procedures mandate holders. As a result, a number of special procedures had visited the country during the reporting period, including the Special Rapporteur on the independence of judges and lawyers and the Special Rapporteur on the human rights of migrants. An office of the International Labour Organization (ILO) had recently opened in Qatar with the aim of ensuring that the rights of migrant workers were adequately protected. Sufficient legal safeguards were in place to protect journalists and create an environment that was conducive to a free press. Moreover, several centres in Qatar monitored the country's compliance with international standards regarding freedom of the press.

7. Although Qatar was not a party to the 1951 Convention relating to the Status of Refugees or its 1967 Protocol, it respected the principles of those instruments, considering them to be a matter of customary law. Indeed, Qatar attached considerable importance to the situation of refugees in the region and provided financial support to various initiatives in that regard. Lastly, the Government intended to make a contribution to the United Nations Voluntary Fund for Victims of Torture, both in 2018 and in the future.

8. **Ms. Abdulla** (Qatar) said that, as a party to the United Nations Convention against Transnational Organized Crime and the Trafficking in Persons Protocol, Qatar was committed to combating all forms of that phenomenon. It had, in 2011, enacted Law No. 15 on combating human trafficking of 2011 and, in 2017, taken unprecedented steps to ensure the protection of the rights of migrant workers, in law and in practice. For example, a number of reforms had been introduced — many of which had been viewed positively by ILO — to prevent migrant workers from falling victim to forced labour and provide victims with legal remedy. As a result of its efforts, Qatar had been removed from the tier 2 watch list by the United States Department of State in its 2017 Trafficking in Persons Report. A national committee to combat human trafficking, headed by the Ministry of Administrative Development, Labour and Social Affairs, had been set up to, inter alia, establish a national plan to combat human trafficking; review the national legislation to ensure compliance with international instruments ratified by Qatar; cooperate with organizations working to provide victims with protection, support and rehabilitation; organize awareness-raising workshops and training programmes; and collaborate with regional and international stakeholders, including by exchanging knowledge and best practices. Among other measures, a national plan to combat human trafficking had been adopted and a memorandum of understanding signed between the Qatari and United States Governments, with a view to raising awareness of and combating human trafficking through joint programmes, exchange and training programmes and the sharing of relevant legal and regulatory initiatives. Similarly, the Government had entered into a technical cooperation programme with ILO, for the period 2018–2020, with the aim of improving the prevention of trafficking for the purposes of forced labour, ensuring the prosecution of perpetrators of labour-related trafficking offences, conducting awareness-raising, training and capacity-building for enforcement authorities and supporting victims of trafficking.

9. The objective of the Qatar National Vision 2030 was to enhance equality. Accordingly, one of the strategies focused on the empowerment of women through, inter alia, improved access to social security; projects to reduce domestic violence, provide rehabilitation to victims and raise awareness; the establishment of a hotline to receive complaints, and the introduction of training to assist the authorities in identifying cases. A few hundred cases of violence against women, including verbal and psychological abuse, were documented each year.

10. **Ms. Al-Hilali** (Qatar) said that the necessary legislative amendments had been introduced in order to ensure dignified work for all and the building of labour relations based on trust and consent. For example, Act No. 21 of 2015 Regulating the Entry, Exit and Residence of Expatriates had replaced the Sponsorship Act and was intended to protect foreign workers from harmful practices. It regulated the certification of contracts, provided

for the possibility for foreign workers to change employers and sign new contracts without having to leave the country and set fines for the confiscation of workers' passports. Foreign workers were free to leave the country: only three of the more than 3,300 exit requests had been denied. Twenty cases of visa fraud had been referred to the Office of the Public Prosecutor in 2017. In addition, Qatar had taken a significant step forward in the protection of salaries and wages of foreign workers in the form of an electronic system that monitored and documented the disbursement of wages by employers affiliated with the Ministry of Labour. Furthermore, wages had to be paid into a State banking institution.

11. **Mr. Al-Hamadi** (Qatar) said that wage problems had also been resolved through an obligation for banks to open accounts regardless of the amount of the salary being deposited. In addition, employers were required to hold medical insurance for their workers and there were over 300 labour inspectors to ensure that workers' rights were respected. On a general note, health care was essentially free in Qatar, with the annual contribution set at approximately 11 euros.

12. **Mr. Al-Abdulla** (Qatar) said that the general statute of limitations of 10 years applied to torture and that, under the Criminal Code, torture was categorized as a crime and carried a penalty of 5 years' imprisonment. Interpreters were available when a suspect did not speak Arabic. Capital punishment was reserved for very serious crimes only and was intended as a deterrent. Various safeguards were in place; for example, pregnant women could not be executed until after they had given birth and, in the event of a live birth, execution was postponed for two years. Moreover, death sentences were appealable. Between 2012 and 2018, capital punishment had been imposed in five cases. Qatar had denied the extradition requests of seven countries due to their human rights record. The Government was greatly attached to ensuring that detention conditions, including the quality of food and the amount of available space, were adequate; the same applied to migrant centres. Work had recently begun to increase the deportation centre's capacity by 500. The expansion was in response to the growing number of arrivals, not necessarily to a particular policy of detaining foreigners.

13. **Mr. Al-Hamadi** (Qatar) said that everyone was equal before the law, irrespective of nationality. Foreign judges could not practise in Qatar unless a decree was issued.

14. **Mr Al-Mohannadi** (Qatar) said that, pursuant to 2010 amendments to the Criminal Code, public officials who used or threatened to use force in order to extract information or a confession were liable to 5 years' imprisonment; the penalty rose to 10 years in the event of permanent harm to the victim or life imprisonment in case of death. Incitement to or complacency towards torture were also punishable. Under military law, dereliction of duty and the commission of unlawful acts were subject to disciplinary sanctions, unless the acts were ordered by a superior officer. In the context of counter-terrorism, pretrial detention could be extended twice for a period of 15 days and arrests could be challenged. Furthermore, persons who breached the Law on the State Security Agency could be held for longer periods before being brought before the prosecutor.

15. **Mr. Al-Ali** (Qatar) said that Mr. Mohammed Abdullah Al Otaibi had been extradited to Saudi Arabia, where he stood accused of undermining national security, on the basis of a security agreement between the members of the Gulf Cooperation Council. All legal safeguards had been in place, including assurances that Mr. Al Otaibi would receive a fair trial. Mr. Mohammed Al Musa'ab, who had been sentenced to life imprisonment for belonging to the Islamic State in Iraq and the Levant, had lodged an appeal against his sentence to be heard that month. Mr. Mohammed Rashid Hassan Nasser Al-Ajami had been released in 2016 following a pardon. Mr. Ronaldo Lopez Ulep, the Filipino man serving 15 years for espionage, had received a fair trial and had had the opportunity to appeal the decision. He had never been placed in solitary confinement and he was allowed contact with his family. The consular staff and human rights organizations which had visited him and his colleagues had not detected any violations. Under the Code of Criminal Procedure, any convicted person could challenge a court decision, while the Criminal Code stipulated that any act that caused harm gave rise to compensation. The deportation centre provided a full range of services, including specialized medical care, and had never been overcrowded. Over the past three years, the Ministry of the Interior had covered the cost of flights in connection with thousands of deportations.

16. **Mr. Al-Mohannadi** (Qatar) said that Prison Act 3 of 2016 had removed flogging from the list of sanctions and consequently it was no longer imposed on detainees or prisoners. The same Act regulated the safeguards and guarantees accorded to prisoners, and laid down that prisoners could only be held in solitary confinement for a period limited to 15 days. Orders for solitary confinement were given by an Investigative Committee, and were based on considerations such as whether the individual posed a threat to other prisoners' safety. The prisoner had the right to appeal against the decision for solitary confinement. Since 2002, Qatar had taken a number of measures guaranteeing protection of human rights, including the establishment of the National Human Rights Institution and the creation of a human rights administration within the Ministry of the Interior, together with a wide range of other protective mechanisms. That was done with the intention of improving the lives of all persons in Qatar, nationals and foreigners likewise. The National Human Rights Institution was empowered to visit all places of detention without prior notice. The Ministry of the Interior human rights administration had the same authority to visit and inspect.

17. **Mr. Hani** said that the Committee was grateful for the delegation's replies, but noted that those replies largely reiterated the information given in the report. More statistical information providing a basis on which to judge the effectiveness of the legislation would have been welcome, especially in respect of progress made in the prevention of torture and ill treatment. He would appreciate information concerning the timetable for the revision of the Government's reservations in respect of articles 21 and 22 of the Convention and of the partial reservations to its articles 1 and 16.

18. He wished to indicate an error in translation on the official Government web portal displaying the Penal Code of Qatar in English. In article 159 (bis), the phrase "or when such pain and suffering are due to solitary captivity of any kind" should read "or when such pain and suffering are due to *discrimination* of any kind".

19. Article 48 of the Penal Code was in contradiction to articles 1 and 2 of the Convention, in that it allowed public officials to invoke the orders of a superior officer as justification for an act of torture. Such an excuse was not acceptable, and the Committee would be grateful to receive information concerning the amendment of article 48. The Penal Code allowed for further exceptions in the context of the combat against terrorism, the protection of society, military information and of State institutions, and the legal framework should be amended to remove those exceptions. Equally, article 117 of the Code of Criminal Procedure provided for a period of pretrial detention of 8 days, renewable once. Eight days was already a lengthy period when viewed against international standards, and it should be reduced. The text authorized the detainee to appeal against the decision, but to the Office of the Public Prosecutor, which had given the order for detention in the first place. It was not acceptable that an appeal should be lodged with the court of the first instance, which had handed down the initial decision for detainment. Article 92 of the Code should clearly exclude the crime of torture from the list of extenuating circumstances, and given that the crimes of fraud and misuse of public funds were already excluded from the 10-year statute of limitations, the crime of torture should not be subject to that statute. The time required by victims of torture to bring their cases before the court should not be limited.

20. The State party had indicated that it had refused seven requests for extradition from States that did not respect human rights, in line with article 3 of the Convention. The Committee would like to know if there were other cases in which extradition had been refused on the grounds that the extradited person might be subject to torture in the extraditing country. With reference to the case of Mr. Al-Otaibi, the State party had indicated that it had required guarantees from the extraditing government. The Committee would appreciate knowing what form those guarantees took and whether they were written or simply oral.

21. The State party had provided statistical information concerning 152 children and 250 adults who had been subjected to violence. The Committee would welcome further statistics concerning persons subjected to ill-treatment. It would also welcome a response from Qatar regarding the Government's intention to extend its exercise of universal jurisdiction to include crimes of torture.

22. **Ms. Belmir** said that she observed that the State party had forbidden the use of flogging in the prison system as a disciplinary measure. However, in 2017, the Committee on the Rights of the Child noted in its concluding observations (CRC/C/QAT/CO/3-4) that, as indicated in paragraph 72 of the State party's report (CRC/C/QAT/Q/3-4/Add.1), children over the age of 16 could be subject to a variety of sanctions, including flogging. The Committee would welcome clarification as to whether flogging was forbidden simply as a disciplinary measure in prisons, or whether its use as a court sanction had also been abolished.

23. The Protection of Society Act provided for exceptions from the Code of Criminal Procedure in allowing pretrial detention to be imposed in cases where national security or public order were affected. Article 2 of the Act spoke of time limits for such detention and allowed for a period of two weeks that could be renewed up to a six-month period, which could in turn be renewed by order of the Prime Minister. The pretrial detention was thus decided by the Minister of the Interior, and its extension beyond six months by the Prime Minister. The Committee reminded the State party that the Executive should in no cases take the place of the Judiciary, and that decisions for detention and renewal of detention must be taken in a court of law.

24. Act No. 21 of 2015 regulating the entry and exit of expatriates and their residence still made it obligatory for employees to seek the agreement of the employer for permission to leave the country. Moreover, it made the previously illegal practice used by employers of confiscating their employees' passports legal, as the Act stipulated that the employee had to sign over his passport to the employer, who must return it to the employee on request. The Committee hoped that further adjustments to the Act would make it less restrictive and more favourable to employees.

25. **Mr. Tuzmukhamedov** said that he had heard the delegation reply in the negative to his question on whether there was a moratorium in Qatar on executions and death penalties. Indeed, Qatar consistently voted against United Nations General Assembly resolutions calling for such moratoria. The delegation had mentioned five persons who had been convicted of very serious crimes during the 2012–2015 period. He understood that to mean that the sanctions concerned had been capital penalties for which the appeal procedure had been completed and the sentence carried out. Reference had been made to a capital penalty handed down in the case of a pregnant woman, suspended until after birth of the child and subsequently, should the child survive, for a period of two years. Two years was sufficient time to allow a strong bond to grow between the child and the parent, which would of course be shattered by carrying out the sentence. That constituted an inhumane extension to the penalty, unduly affecting the child.

26. There was a discrepancy between article 22 of the Penal Code and article 2 of Act No. 3 of 2004 on combating terrorism in respect of prison terms. The Committee would like to know if the latter took precedence over the former and, if so, whether the discrepancy could be resolved by the Supreme Constitutional Court; it also wished to know how legal discrepancies between civil law and Islamic law were resolved, especially in the case of capital offences. When an appeal against the death penalty failed, he asked how long the accused would have to wait before execution, in what conditions, and whether those conditions were regulated by law. Following execution, were the prisoner's remains returned to the family for burial within the limits set out in sharia law, and was there a specific requirement in the national legislation to that effect?

27. **The Chair** said he that he understood that medical doctors were obliged to report cases where they suspected torture or ill-treatment had taken place to the police. However, the fact that the police might in some instances itself have been the perpetrator of the torture was cause for concern. The procedure outlined by the delegation was that the doctors' reports gave rise to forensic examinations and investigation by committee. Figures showing the number of investigations following doctors' reports of suspected torture would reveal whether the system was functioning correctly and the Committee would welcome such figures.

28. **Mr Hani** again drew attention to the error in the English translation of article 159 (bis) of the Penal Code as displayed on the Qatari legal web portal, which was repeated in

paragraph 22 of the English version of the State party's report to the Committee. The Committee would welcome the term "solitary captivity" changed to "discrimination". The delegation had not responded with regard to questions concerning sharia law and exceptions to legal safeguards, nor had it provided the statistics requested regarding any incidence of flogging or maiming. The Committee would also like statistics on instances where corporal punishment had been replaced by custodial sanctions. The delegation had stated that no distinction was made between Qatari nationals and foreigners before the law. However, the shadow report of the Qatar National Human Rights Committee indicated that in 2015 there were up to 350 Qatari citizens held in pretrial detention, of whom 120 had been released, and up to 3,153 foreign nationals, of whom 160 had been released. Such a very large difference clearly suggested discrimination and he would welcome the delegation's clarifications as well as figures for the years 2016 and 2017. He also asked for numbers of persons detained in the psychological institutions mentioned by the delegation in relation to Act 16 of 2016 on psychological health as well as which body was responsible for monitoring such institutions. The Committee would appreciate receiving statistics giving the number of cases before the law concerning human trafficking.

29. He welcomed the State party's decision to continue its support of the United Nations Voluntary Fund for Victims of Torture and asked whether the Government was intending to make a declaration at the highest level that all torture was formally prohibited.

The meeting was suspended at 5.10 p.m. and resumed at 5.25 p.m.

30. **Mr. Dharman** (Qatar) said that the monitoring of hospitals, including psychiatric hospitals, was carried out by the Ministry of Public Health and the National Human Rights Committee, which ensured that legislation pertaining to psychiatric health was implemented in those institutions and that patients received comprehensive care. Any doctor who found signs of violence during the examination of a patient was obliged to inform the police and provide administrative data on the patient. Medical reports were private, but their contents could be divulged in certain circumstances established by law. The Hamad hospitals allowed the courts and public prosecutors to request the private medical reports of patients, including the reports of victims of torture.

31. **Mr. Al-Hamadi** (Qatar) said that the process for Qatar's ratification of the International Covenant on Civil and Political Rights and the International Covenant on Economic, Social and Cultural Rights was complete. All that remained was for the Ministry of Foreign Affairs to deposit the instruments of ratification with the Secretary-General of the United Nations.

32. **Mr. Al-Mohannadi** (Qatar) said that, although the State Security Agency Act and Act No. 3 of 2004 on combating terrorism provided for periods of detention that were longer than the maximum periods set out in the Code of Criminal Procedure, such extensions were at the discretion of the Public Prosecutor. Furthermore, the decision to apply the exceptional procedures established by those laws could be appealed before the courts. The law likewise established measures for appealing the detention deadlines set out in the Protection of Society Act. He wished to stress that recourse was made to exceptions only in cases involving the most dangerous crimes.

33. **Mr. Al-Hamadi** (Qatar) said that complaints relating to court orders could be filed with the authority in question. If a satisfactory resolution was not reached, an appeal could be lodged with a higher court.

34. **Mr. Al-Abdulla** (Qatar) said that two cases of human trafficking were currently under investigation. Any public official accused of committing torture was subject to an investigation. Moreover, the law conferred criminal responsibility on both the perpetrator and the individual who ordered the act, and prescribed penalties for both categories of offender. There had been no cases in Qatar of death sentences being handed down to women who had already given birth.

35. **Mr. Al-Hamadi** (Qatar) aid that the death penalty served principally as a deterrent and that the State only had recourse to it in very limited cases.

36. **Ms. Abdulla** (Qatar) said that the Department of Family Matters in the Ministry of Administrative Development, Labour and Social Matters supervised all social care centres

and examined the cases of juveniles who had committed offences in order to provide them with the necessary care and prevent recidivism. Children were not placed in prisons but rather in specialized or medical institutions.

37. **Mr. Faisal bin Abdulla Al-Henzab** (Qatar), referring to the question asked about gaps in the Labour Code, said that the State of Qatar had managed to overcome the challenges it had faced in relation to the protection of workers' rights, including exit permits and the inspection of places of work. The Government had signed a technical cooperation agreement with the ILO that covered all labour standards. An ILO office had also been opened in Qatar. A labour disputes committee had been instituted to ensure that all workers were paid their entitlements immediately, and a number of international delegations had visited Qatar. The State supervised companies to ensure that they respected the regulations in force.

38. **Mr. Al-Hamadi** (Qatar) said that a national workers' committee had recently been established in response to ILO recommendations. The fact that foreigners far outnumbered Qataris in the country's prisons was not owing to discrimination, but rather to the fact that foreign workers constituted a majority in Qatar, as in all the Gulf States.

39. **Ms. Arab** (Qatar) said that the Constitution provided that national legislation was based on Islamic law, and there was no conflict between them. Equally, the rule of law and the independence and impartiality of judges were enshrined in the Constitution. The State had not imposed limits on the powers of any judges, whether Qatari or foreign.

40. In order to strengthen the rule of law, the Ministry of Justice had signed partnership agreements with non-governmental agencies and raised awareness in schools about pupils' rights and duties under the Constitution. Prosecutors, judges and lawyers received training on human trafficking, the legal protection provided to witnesses in accordance with international humanitarian law, and respect for United Nations principles in interrogations and investigations.

41. **Mr. Al-Hamadi** (Qatar) said that the Government had invested heavily in the training of judges and the rehabilitation of prisoners.

42. **Ms. Al-Sulaiti** (Qatar) said that, as education was vital to the task of consolidating respect for human rights, the State party was committed to funding and supporting education both at home and abroad. Its national school curricula included modules on citizenship, the rejection of violence and the right to education and health. It promoted dialogue between children of different countries and cultures, which was especially important given the diversity of their backgrounds.

43. **Mr. Al-Hamadi** (Qatar) said that the penalties of flogging, amputation and stoning had not been imposed in Qatar for some time.

44. **The Chair** thanked the delegation for the large number of replies provided and invited the head of delegation to deliver a closing statement.

45. **Mr. Al-Hamadi** (Qatar) said that the Government would provide more statistics on the progress made with respect to the implementation of the Convention in its follow-up report. The Committee's concluding observations and recommendations would be examined with great attention and used to promote and strengthen national policies.

The meeting rose at 6.05 p.m.